

STATE OF CALIFORNIA
Budget Change Proposal - Cover Sheet
DF-46 (REV 08/17)

Fiscal Year 2019-20	Business Unit 0820	Department Department of Justice	Priority No. 4
Budget Request Name 0820-006-BCP-2019-GB		Program Division of Law Enforcement	Subprogram Bureau of Firearms

Budget Request Description
Armed Prohibited Persons Systems Investigations

Budget Request Summary

The Department of Justice (DOJ), Bureau of Firearms (BOF) requests 26.0 positions and \$5,601,000 (\$16,901,000 General Fund, -\$11,300,000 Dealer's Record of Sale Account) in fiscal year 2019-20, and \$4,656,000 (\$15,956,000 General Fund, -\$11,300,000 Dealer's Record of Sale Account) in 2020-21 and ongoing to conduct Armed and Prohibited Persons System (APPS) investigations.

Requires Legislation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Code Section(s) to be Added/Amended/Repealed	
Does this BCP contain information technology (IT) components? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>If yes, departmental Chief Information Officer must sign.</i>	Department CIO	Date

For IT requests, specify the project number, the most recent project approval document (FSR, SPR, S1BA, S2AA, S3SD, S4PRA), and the approval date.

Project No. Project Approval Document: Approval Date:

If proposal affects another department, does other department concur with proposal? ☐ Yes ☐ No
Attach comments of affected department, signed and dated by the department director or designee.

Prepared By Martin Horan	Date 1/10/2019	Reviewed By Kevin Gardner	Date 1/10/2019
Department Director Chris Ryan	Date 1/10/2019	Agency Secretary	Date

Department of Finance Use Only

Additional Review: ☐ Capital Outlay ☐ ITCU ☐ FSCU ☐ OSAE ☐ CALSTARS ☐ Dept. of Technology

PPBA Original Signed By Emma Jungwirth	Date submitted to the Legislature 1/10/19
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BCP Fiscal Detail Sheet

BCP Title: Armed Prohibited Persons Systems Investigations

BR Name: 0820-006-BCP-2019-GB

Budget Request Summary

	FY19					
	CY	BY	BY+1	BY+2	BY+3	BY+4
Personal Services						
Positions - Permanent	0.0	26.0	26.0	26.0	26.0	26.0
Total Positions	0.0	26.0	26.0	26.0	26.0	26.0
Salaries and Wages						
Earnings - Permanent	0	1,838	1,838	1,838	1,838	1,838
Earnings - Temporary Help	0	52	0	0	0	0
Overtime/Other	0	342	342	342	342	342
Total Salaries and Wages	\$0	\$2,232	\$2,180	\$2,180	\$2,180	\$2,180
Total Staff Benefits	0	1,209	1,208	1,208	1,208	1,208
Total Personal Services	\$0	\$3,441	\$3,388	\$3,388	\$3,388	\$3,388
Operating Expenses and Equipment						
5301 - General Expense	0	984	636	636	636	636
5302 - Printing	0	8	8	8	8	8
5304 - Communications	0	93	93	93	93	93
5306 - Postage	0	7	7	7	7	7
5308 - Insurance	0	7	7	7	7	7
5320 - Travel: In-State	0	97	79	79	79	79
5322 - Training	0	183	20	20	20	20
5324 - Facilities Operation	0	86	86	86	86	86
5340 - Consulting and Professional Services - Interdepartmental	0	6	1	1	1	1
5346 - Information Technology	0	52	52	52	52	52
5368 - Non-Capital Asset Purchases - Equipment	0	448	90	90	90	90
539X - Other	0	189	189	189	189	189
Total Operating Expenses and Equipment	\$0	\$2,160	\$1,268	\$1,268	\$1,268	\$1,268
Total Budget Request	\$0	\$5,601	\$4,656	\$4,656	\$4,656	\$4,656

Fund Summary

Fund Source - State Operations						
0001 - General Fund	0	16,901	15,956	15,956	15,956	15,956
0460 - Dealers Record of Sale Special Account	0	-11,300	-11,300	-11,300	-11,300	-11,300
Total State Operations Expenditures	\$0	\$5,601	\$4,656	\$4,656	\$4,656	\$4,656

Total All Funds	\$0	\$5,601	\$4,656	\$4,656	\$4,656	\$4,656
Program Summary						
Program Funding						
0440046 - Firearms	0	5,601	4,656	4,656	4,656	4,656
9900100 - Administration	0	643	570	570	570	570
9900200 - Administration - Distributed	0	-643	-570	-570	-570	-570
Total All Programs	\$0	\$5,601	\$4,656	\$4,656	\$4,656	\$4,656

Personal Services Details**Salary Information**

Positions	Min	Mid	Max	<u>CY</u>	<u>BY</u>	<u>BY+1</u>	<u>BY+2</u>	<u>BY+3</u>	<u>BY+4</u>
1139 - Office Techn (Typing) (Eff. 07-01-2019)				0.0	6.0	6.0	6.0	6.0	6.0
8456 - Criminal ID Spec II (Eff. 07-01-2019)				0.0	2.0	2.0	2.0	2.0	2.0
8462 - Criminal ID Spec I (Eff. 07-01-2019)				0.0	4.0	4.0	4.0	4.0	4.0
8482 - Special Agent - Dept of Justice (Eff. 07-01-2019)				0.0	8.0	8.0	8.0	8.0	8.0
8524 - Special Agent Supv (Eff. 07-01-2019)				0.0	6.0	6.0	6.0	6.0	6.0
OT00 - Overtime (Eff. 07-01-2019)				0.0	0.0	0.0	0.0	0.0	0.0
TH00 - Temporary Help (Eff. 07-01-2019)				0.0	0.0	0.0	0.0	0.0	0.0

Total Positions

0.0	26.0	26.0	26.0	26.0	26.0
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Salaries and Wages

	<u>CY</u>	<u>BY</u>	<u>BY+1</u>	<u>BY+2</u>	<u>BY+3</u>	<u>BY+4</u>
1139 - Office Techn (Typing) (Eff. 07-01-2019)	0	246	246	246	246	246
8456 - Criminal ID Spec II (Eff. 07-01-2019)	0	103	103	103	103	103
8462 - Criminal ID Spec I (Eff. 07-01-2019)	0	171	171	171	171	171
8482 - Special Agent - Dept of Justice (Eff. 07-01-2019)	0	712	712	712	712	712
8524 - Special Agent Supv (Eff. 07-01-2019)	0	606	606	606	606	606
OT00 - Overtime (Eff. 07-01-2019)	0	342	342	342	342	342
TH00 - Temporary Help (Eff. 07-01-2019)	0	52	0	0	0	0

Total Salaries and Wages

\$0	\$2,232	\$2,180	\$2,180	\$2,180	\$2,180
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Staff Benefits

5150900 - Staff Benefits - Other

0	1,209	1,208	1,208	1,208	1,208
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Total Staff Benefits

\$0	\$1,209	\$1,208	\$1,208	\$1,208	\$1,208
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Total Personal Services

\$0	\$3,441	\$3,388	\$3,388	\$3,388	\$3,388
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A. Budget Request Summary

The Department of Justice (DOJ), Bureau of Firearms (BOF) requests 26.0 positions and \$5,601,000 (\$16,901,000 General Fund, -\$11,300,000 Dealer's Record of Sale [DROS] Account in fiscal year 2019-20, and \$4,656,000 (\$15,956,000 General Fund, -\$11,300,000 DROS) in 2020-21 and ongoing to conduct Armed and Prohibited Persons System (APPS) investigations. In addition, this proposal requests the transition of the APPS program from DROS to the General Fund to provide a stable funding source.

The positions consist of six Special Agent Supervisors (SAS), eight Special Agents (SA), two Criminal Intelligence Specialists II (CIS II), four Criminal Intelligence Specialists I (CIS I), and six Office Technicians (OT).

26.0 APPS Enforcement Positions	# of Positions
Special Agent Supervisor (SAS)	6.0
Special Agent (SA)	8.0
Criminal Identification Specialist II (CIS II)	2.0
Criminal Identification Specialist I (CIS I)	4.0
Office Technician, Typing (OT)	6.0
TOTAL POSITIONS	26.0

B. Background/History

**APPS
Resource History**
(Dollars in thousands)

Program Budget	2013-14	2014-15	2015-16	2016-17	2017-18
Authorized Expenditures	14,746	14,922	15,430	10,912	11,311
Actual Expenditures	12,284	12,811	13,368	12,793	10,492
Authorized Positions	65.0	89.0	85.0	66.0	70.0
Filled Positions	62.0	65.0	66.0	61.0	63.0
Vacancies	3.0	24.0	19.0	5.0	7.0

The BOF Firearms Investigations and Dangerous Weapons Enforcement Teams are comprised of sworn and non-sworn support staff focused on public safety by seizing firearms from persons who are prohibited from possessing them.

In 2001, the DOJ sponsored Senate Bill 950 (Brulte/Scott, 2001), which was approved by the Legislature with unanimous bipartisan support. The bill authorized BOF to cross-reference its database of persons who own handguns, as reflected in the Department's Consolidated Firearms Information System (CFIS), with its databases of persons who are prohibited by law from doing so. SB 950 was signed into law by the Governor and became effective January 1, 2002.

- In FY 2002-03, BOF received \$1 million in permanent General Funds to create the APPS database and established five sworn positions and two support staff positions for the purpose of working Senate Bill 950 cases.
- In November 2006, development was completed and the APPS database was implemented.
- A FY 2006-07 BCP gave the DOJ-BOF permanent authority of \$5 million from the General Fund for 12.0 sworn positions and 22.0 support staff positions to perform the APPS workload.
- In FY 2012-13, DOJ-BOF received \$1.6 million from the Dealer Record of Sale (DROS) fund to support 8.0 limited term sworn positions to perform APPS investigations.

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- Between FY 2009-10 and FY 2012-13, the DOJ-BOF closed an average of 2,105 cases annually.
- In May of 2013, the DOJ-BOF was appropriated \$24 million in temporary funding per Senate Bill 140 (SB 140) to address the APPS backlog. Funding was appropriated for three years from the Dealers Record of Sale Special Account (DROS).
 - At the time SB 140 was implemented in July 2013, there were 20,721 active armed and prohibited persons in California.
 - After three years of increased position and funding authority due to SB 140 on June 30, 2016, there were 10,771 active armed and prohibited persons in California and the average number of APPS cases closed annually was 8,043 cases.
 - The temporary SB 140 funding expired in April of 2016.
 - BOF received permanent funding to support 22.0 permanent Special Agent (SA) positions effective July 1, 2016.
 - BOF **did not** receive funding or position authority for the remaining positions – six Special Agent Supervisors (SAS), eight Special Agents (SA), two Criminal Intelligence Specialist II, (CIS II), four Criminal Intelligence Specialist I (CIS I) and six Office Technicians (OT).
- Proposition 63 passed in November 2016. This proposition will, commencing on July 1, 2019, increase BOF's workload in multiple sections including Firearms Investigations and Dangerous Weapons Enforcement.
 - Proposition 63 requires the BOF to use the APPS file to cross-reference persons who attempt to acquire ammunition to determine if those persons are prohibited from possessing ammunition. BOF estimates 13 million ammunition purchases annually, thus increasing the number of people identified as prohibited, which will result in an increased workload for special agents responsible for conducting and closing APPS investigations.

Workload History

Armed & Prohibited Persons Investigations				
Fiscal Year	Active Armed & Prohibited Persons	APPS Investigations Processed	Average Annual Investigation Purges	Annual APPS Added*
13/14	20,721	6,341	3,200	7,433
14/15	18,613	7,347	3,200	7,289
15/16	15,355	10,190	3,200	9,501
16/17	11,466	8,135	3,200	9,324
17/18	9,455	7,562	3,200	10,267

C. State Level Considerations

Other than BOF, there is no other Law Enforcement Agency (LEA) specifically targeting APPS offenders. This is due to the lack of subject matter expertise and the financial resources necessary to accomplish the task. Moreover, LEAs also lack the manpower, extensive training, and data systems to coordinate a comprehensive enforcement strategy for APPS investigations.

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D. Justification

Between FY 2013-14 and FY 2017-18, the list of armed and prohibited persons in California has grown by an average of 28 people per day, which equates to just under 12,000 persons annually.

BOF has been successful in closing APPS cases and reducing the overall number of armed and prohibited people in California. However, annual increases in the number of new APPS offenders due to long gun retention, increased firearm sales, and newly prohibiting offenses, which are continually being added by the Legislature, justify the request for permanent position authority and ongoing funding to support the 26.0 positions outlined in this request.

The DOJ has temporarily been absorbing the costs for the necessary 26.0 positions outlined in this request in order to maintain public safety and continue removing firearms from dangerous prohibited persons. This has required the deferral of numerous information technology upgrades, infrastructure maintenance, and administrative projects. However, this funding model is unsustainable, and can no longer be absorbed as departmental mandates continue to grow and resources are needed to sustain administrative functions. Permanent position authority and funding is required in order to continue operating the APPS program at the current and necessary level.

E. Outcomes and Accountability

If this proposal is approved, BOF will be able to continue reducing the APPS backlog as well as investigating and disarming new APPS subjects.

Projected Outcomes

Armed & Prohibited Persons Investigations				
Fiscal Year	Active Armed & Prohibited Persons (Backlog)	Apps Investigations Processed with Approved BCP	Average Annual Investigation Purges	Incoming Workload - Annual APPS Added*
17/18	9,455	7,562	3,200	10,267
18/19*	8,960	9,000	3,200	10,220
19/20**	6,980	9,540	3,200	10,220
20/21**	4,460	9,540	3,200	10,220
21/22**	1,940	9,540	3,200	10,220

*Annual APPS Added projections based on historical data/trends. On average, 28 people are added daily.

*FY 2018-19 projection based on total authorized positions as of July 1, 2018 - 47 SA, 3 CIS I

**FY 2019-20 & FY 2020-21 projection based on 55 agents closing 12 cases/mo & 9 CIS positions closing 15/mo.
(assuming this BCP is approved)

Office Technicians (OT) in each of the six field office locations play a vital role in the APPS investigations. A primary responsibility is to maintain and safely store materials and equipment utilized by law enforcement personnel. OTs organize and file case files upon the completion of an investigation. They identify and record final case disposition for cases filed with each county's District Attorney's Office, which is necessary in order to determine the transfer or destruction of firearms/contraband seized from APPS subjects during an investigation. OTs provide support to CIS I and CIS II for target packages by following up to determine prohibition status. Additionally, OTs prepare interoffice correspondence, sort and deliver mail, order supplies for APPS Enforcement Teams, and maintain attendance tracking.

Criminal Intelligence Specialist I (CIS I): the primary responsibility for a CIS I is to produce high quality target packages for Special Agents to use for APPS field investigations. Packages consist of identifying information for the APPS target, criminal history, wants/warrants, driver license information,

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parole/probation information, and last known address/prior known address. Information is obtained by querying various databases and contacting outside agencies. During the packet preparation process, the CIS I is responsible for 15 administrative closures (closing APPS cases independently, without sending them to sworn staff). The CIS I also responds to requests from agents in the field who need background checks, criminal history reports, wants/warrants, and vehicle checks immediately.

Criminal Intelligence Specialist II (CIS II): the primary responsibility for a CIS II is to produce high quality target packages for Special Agents to use for APPS field investigations. Packages consists of identifying information for the APPS target, criminal history, wants/warrants, driver license information, parole/probation information, and last known address/prior known address. Information is obtained by querying various databases and contacting outside agencies. During the packet preparation process, the CIS I is responsible for 15 administrative closures (closing APPS cases independently, without sending them to sworn staff). The CIS II also responds to requests from agents in the field who need background checks, criminal history reports, wants/warrants, and vehicle checks immediately. The CIS II serves as lead analyst for firearms sweeps, assists with the preparation of search warrants, reports, and work on special projects directly related to APPS subjects who are involved in substantial criminal activity. The CIS II is responsible for assigned APPS statistical research projects and maintains and tracks data in the APPS database.

Special Agent Supervisor (SAS): the primary role of the SAS is to plan for and perform overt and covert criminal investigations of armed prohibited persons located within the APPS database. The SAS coaches and guides Special Agents to ensure agent workload is well managed and agents are closing their target number of APPS cases. The SAS serves as a subject matter expert to Department of Justice staff, local law enforcement, federal law enforcement, and courts in response to inquiries and requests for assistance with administrative and enforcement activities. Each SAS is also responsible for the non-sworn staff who support APPS investigations.

Special Agent (SA): the primary role of the SA is to perform overt and covert criminal investigations of armed prohibited persons located within the APPS database. SAs investigate, disarm, apprehend, and ensure prosecution of persons who are prohibited from owning firearms due to their mental health status, felony convictions, specified misdemeanor convictions and/or domestic restraining orders. SAs gather evidence, make arrests, file complaints with prosecutors, write and serve search warrants, and testify in court. Additionally, SAs perform investigations at gun shows, prepare complex and sensitive investigative and background reports, provide enforcement support to local law enforcement agencies as needed, and serves as subject matter experts to Department of Justice staff, local law enforcement, federal law enforcement, and courts in response to inquiries and requests for assistance with administrative and enforcement activities.

F. Analysis of All Feasible Alternatives**Alternative 1 - Approve the requested funding and position authority as proposed**

Approve the requested increase of 26.0 positions and \$5,601,000 (\$16,901,000 General Fund, -\$11,300,000 DROS Fund) in 2019-20 and \$4,656,000 (\$15,956,000 General Fund, -\$11,300,000 DROS Account) in 2020-21 and ongoing to conduct Armed Prohibited Persons System investigations. This option will provide the BOF with the resources necessary to continue working toward reducing the level of guns that are in the possession of prohibited individuals, and transition this program from DROS to the General Fund.

Alternative 2 - Approve funding and position authority for sworn personnel only

Approve a permanent increase of \$4.4 million in spending authority (\$15,700,000 General Fund, -\$11,300,000 DROS Account) in fiscal year 2019-20 and \$3.6 million (\$14,900,000 General Fund, -\$11,300,000 DROS Account) in 2020-21 ongoing and permanent position authority for sworn positions only (6 Special Agent Supervisors and 8 Special Agents).

If the request for non-sworn, support staff is rejected, number of case closures for the agents will decrease. With the help of the CISs and OTs, the agents are able to complete 12 cases per month per agent. Without the help of the non-sworn staff, the agents will be tasked with completing clerical and

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simple analysis, which is ineffective and inefficient. The BOF does not currently have sufficient resources to absorb the administrative workload associated with increased sworn personnel.

Alternative 3 - Do not approve this proposal at any level

If this proposal is denied, the BOF will be unable to effectively address the annual increase of newly identified prohibited persons.

The continuous increase in newly identified prohibited persons has created a permanent need for staffing. Without permanent funding and position authority, the BOF will be unable to effectively address the growing APPS backlog leaving the people of California susceptible to undue harm. Additionally, overtime expenses will remain high and recruiting and retaining qualified personnel will continue to be difficult.

G. Implementation Plan

If this proposal is approved, the implementation of the additional resources will begin upon the enactment of the FY 2019-20 budget.

H. Supplemental Information

N/A

I. Recommendation

Alternative 1 - Approve the requested funding and position authority as proposed

Approve the requested increase of 26.0 positions and \$5,601,000 (\$16,901,000 General Fund, -\$11,300,000 DROS Account) in 2019-20 and \$4,656,000 (\$15,956,000 General Fund, -\$11,300,000 DROS Account) in 2020-21 ongoing to conduct Armed Prohibited Persons System investigations. This option will provide the BOF with the resources necessary to continue working toward reducing the level of guns that are in the possession of prohibited individuals, and transition this program from DROS to the General Fund.